IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Jagdish. Versus State of Rajasthan & ors.

S.B. Criminal Misc. Petition No. 581/2004 against the order dated 15-4-2004 passed by the Judicial Magistrate, Rawatsar, district Hanumangarh, in F.R. No. 56/2003, arising out of FIR No. 113/2003, Police Station, Rawatsar, district Hanumangarh.

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Date of Order: December 15, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

None present for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

No one appears for the petitioner.

Perused the memo of the criminal miscellaneous petition filed by the petitioner under Section 482 Cr.P.C. challenging the order dated 15-4-2004 passed by the Judicial Magistrate, Rawatsar, district Hanumangarh (for short, "the trial Court" hereinafter) accepting the negative Final Report filed by the police.

I have carefully gone through the order impugned, as also the material available on record.

The petitioner lodged FIR No.113/2003 with the

Police Station, Rawatsar, district Hanumangarh. After investigation, the police did not find the case. It appears from the FIR that the persons who have been named as non-petitioners No.2 to 5 have filed a case against the petitioner before the Labour Tribunal for not paying their wages and in order to counter the case instituted by the labourers, i.e. non-petitioners No.2 to 5 herein, a crime report has been filed by the petitioner. Even according to the petitioner, nothing has been extorted and it has been stated that they have threatened the extortion of money. The trial Court observed that the conclusion that the conclusion arrived at by the police, while submitting the negative Final Report, is correct as there is no basis for proceeding against the accused and accepted the final report. The petitioner did not protest the impugned order and failed to appear before the trial Court. Therefore, it cannot be said that the impugned order would result in serious miscarriage of justice or abuse of process of the Court.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs